

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ABC Industrial Laundry,

Plaintiff

v.

Allianz Global Corporate & Specialty, et al.,

Defendants

Case No. 2:21-cv-01029-CDS-VCF

Order Dismissing Action
and Closing Case

On March 16, 2023, I granted defendants Allianz Global Corporate & Specialty and American Insurance Company's motion to dismiss. ECF No. 44. I cautioned plaintiff ABC Industrial Laundry that, if it chose to file an amended complaint, it must do so within 30 days of that order, and failure to do so could result in the closing of this case. *Id.* at 10. Six months have since passed; to date, ABC has not filed an amended complaint nor sought an extension of time to file one. As a result, the court dismisses ABC's action under Federal Rule of Civil Procedure 41(b). *See Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) ("The failure of the plaintiff eventually to respond to the court's ultimatum—either by amending the complaint or indicating to the court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.")

Federal Rule of Civil Procedure 41(b) grants district courts the authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders. *See Link v. Wabash R. Co.*, 370 U.S. 626, 629–31 (1962) ("expressly recogniz[ing]" the district court's authority to dismiss a plaintiff's action with prejudice because of his failure to prosecute, finding that "[t]he power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of District Courts."). Accordingly, this action is dismissed in its entirety without further leave to amend based on plaintiff's failure to

1 prosecute. The Clerk of Court is kindly instructed to enter judgment accordingly and to close
2 this case.

3 DATED: November 2, 2023

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6 Cristina D. Silva
7 United States District Judge
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